S.B.CIVIL MISC. APPEAL NO.1266/2005

Rajesh Kumar and others.
vs.
Banwari Lal and another.

DATE OF JUDGMENT ::: 10.3.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. S Singh, for the appellants.
Mr. S Srimali, for the respondents.

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Heard learned counsel for the parties.

In the peculiar facts of this case, this appeal can be disposed of at this stage with the order that in case, the respondents will make any addition, alteration or construction in the suit property, they will do so at their risk. Further, the respondents shall submit a written undertaking before the trial court that in case, the civil suit is decided against them, they shall not claim any compensation for the investment which they may invest in altering the property and they shall remove the structure if the court passes such decree. The respondents shall not claim any equity in their favour on the ground of construction during the pendency of the suit.

The trial court is requested to decide the suit expeditiously preferably within a period of one year from

the date of submission of copy of this order by the counsel for the appellant.

No order as to costs.

(PRAKASH TATIA), J.

S.Phophaliya